

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM

12

DECISION

TOPIC

**Final Rule – Amend IAC 567 Chapter 105 – “Organic Materials
Composting Facilities”**

The Commission is requested to approve the attached Final Rule to amend IAC 567—Chapter 105 “Organic Materials Composting Facilities.” This proposed rule revision is needed to address the increased use and awareness of livestock mortality composting by farmers as a management option. Also, there are other minor changes and corrections needed to update the chapter.

Composting methods to manage normal livestock mortalities are becoming more common. In the past year several variance applications have come into the Energy & Waste Management Bureau from farmers wishing to compost deads from multiple sites at one, centrally located facility. Such an activity requires a permit under the current rules.

The proposed revisions will eliminate the need for a permit to operate a centralized compost facility that is owned, operated, and serviced by a single farmer. Also, the revisions will provide well-defined operating parameters and allow Department compliance staff to more clearly enforce rule requirements for mortality composting.

Other proposed changes include updating appropriate sections to conform to the new 105.6, correcting for proper form number references, and making the Chapter more consistent with existing DNR policy.

A public hearing was held on March 15, 2005, from 10:00 A.M. to 12 noon in the Fifth Floor East Conference Room of the Wallace State Office Building. No oral comments were received, however twelve written comments were provided. A responsiveness summary is attached. Due to comments received, several changes were made to the proposed rules and are addressed in the responsiveness summary.

The Commission is requested to approve this Final Rule.

Alex Moon, Environmental Program Supervisor
Energy & Waste Management Bureau
Environmental Services Division

April 25, 2006

Responsiveness Summary
Iowa Administrative Code 567—Chapter 105
“Organic Materials Composting Facilities”

This is a summary of comments received by the Department of Natural Resources during the Public Comment period. A Public Hearing was held on March 15, 2005 from 10:00 A.M. to 12 noon in the Wallace State Office Building in Des Moines. No official oral comments were received at the Public Hearing.

The following people/organizations submitted written comments.

Gretta Irwin, Executive Director, Iowa Turkey Federation

Christina Gruenhagen, Government Relations Counsel, Iowa Farm Bureau

Iowa Pork Producers Association

Comment 1: IPPA supports the change proposed by DNR to existing composting rules to allow producers to compost mortalities from one or more sites at a centralized location. This will allow producers to more fully utilize the environmentally sound and economical practice of composting mortalities. (Iowa Pork Producers Association)

Response: Thank you.

Change: No change.

Comment 2: We question Section 105.6, the need for a formal education program and certification for on farm mortality composting:

1. Our industry has an On Farm Environmental Management Guidelines for Turkey Production that is used as a guideline for the industry.
2. We conduct two educational events in the state annually for producers. This subject does get covered as needed and when new information is available.
3. The Iowa Turkey Marketing Council has funded research on proper management of turkey compost piles and reported findings to the growers.

To add another class, another fee, another requirement for turkey production is not supported. Instead provide clearly written, practical composting educational materials that we can use in our educational programming. We also encourage an open dialogue with your department so we can address your concerns in a proactive manner. (Gretta Irwin, Executive Director, Iowa Turkey Federation)

Response: This is not a new requirement. The rule currently states that dead farm animal composting facility operators are encouraged to be trained, tested, and certified by a department approved certification program upon approval of such a program by the department. This would not be another requirement. The intent of the rule is to encourage facility operators to become trained and certified in composting dead farm animals. Currently, the department has not approved a dead farm animal composting training program. The department, in conjunction with Iowa State University, attempted to offer training for dead farm animal compost operators in 2002. There was very little

interest at the time so the training was not held. Because the interest in on-site composting operations has increased with other disposal options becoming less available, the department will again pursue offering a training program in conjunction with Iowa State University. We will also look at approving training programs that already exist and providing a list of those training opportunities upon request.

Change: No change.

Comment 3: To qualify to compost with a permit, it is IPPA's understanding that the proposed rule is to require that a producer be the owner or operator of at least one site where dead animals are generated. Accordingly, IPPA suggests the following revision to the last sentence of the first paragraph of the proposed rule: "Businesses or individuals that are neither the owner or operator of ~~one or more~~ any of the sites where dead animals are generated and that want to compost dead farm animals must obtain a permit in accordance with 567-105.8(455B,455D)." (Iowa Pork Producers Association)

Response: The Iowa Pork Producers Association's understanding is correct. The department agrees that the suggested change will help avoid any confusion and clarifies our intent.

Change: Rule 567-105.6 will be changed as follows:

567—105.6(455B, 455D) Specific requirements for composting of dead farm animals. Dead farm animal composting facility operators are required to be trained, tested, and certified by a department approved certification program upon approval of such a program by the department. Composting of dead farm animals is exempt from having a permit if the following operating requirements are met and the facility is in compliance with 105.3(455B, 455D). Businesses or individuals, that are neither the owner nor operator of ~~one or more~~ any of the sites where deads are generated, wanting to compost dead farm animals must obtain a permit in accordance with 105.8 (455B, 455D).

Comment 4: We applaud the department for making changes to the rules that allow farmers to compost mortalities that originate from different sites owned by the same farmer. This is a step forward, and makes the composting option viable for a growing number of producers. This change will eliminate paperwork and burden on department staff of issuing permits and variances. However, the rule amendments in Item 5, as currently constituted, need to be significantly improved, and we urge the following changes.

Section 105.6(1) would require farmers to notify the department field office with jurisdiction over the facility before commencing composting. Current rules encourage department notification by offering the department's assistance in matters of general concern, including locating bulking agents. We prefer that the department continue asking for voluntary notifications from farmers about their composting intentions, and we suggest the department continue to provide general assistance to farmers, including locating bulking agents.

Failure to leave the current rule in place will create situations where farmers are currently composting or plan to compost, but are unaware of the notification requirement. The proposed language raises several questions. If a farmer has previously notified the DNR field office, do they need to notify the field office again under the new rule? If a farmer has previously notified the DNR field office, but does not have documentation of the notification, will he be subject to a NOV or an enforcement action? Will the department develop a form for notification such that the farmer can have documentation of the notification as a defense against future enforcement? Will the department create an internal process to log the notifications so as staff changes occur, a farmer won't be unfairly penalized?

The proposed requirement also creates an undesirable enforcement situation. A DNR visit to the farm will result in a notice of violation at a minimum or potential enforcement action if the field office doesn't have a record of the notification. Although reducing some of the paperwork involved in a permit, this creates a similar burden to a permit requirement because the notification will have to be documented by the DNR field office and the farmer as a defense to future enforcement action. If there is an environmental problem with the compost site, that issue should be addressed rather than compound paperwork violations.

The rule creates another potential "gotcha" requirement to fine farmers without having a comparable environmental benefit. The requirement to notify is just a compound charge. Failure to notify under rule 105.6, first unnumbered paragraph, creates another violation of failing to have a permit since notification is a prerequisite to avoid having to obtain a permit. The requirement of having to notify the department is circular since failing to notify invokes the permit requirement. Farmers would be subject to both failure to notify and failure to obtain a permit violations if they failed to notify. Leaving the current rule in place on encouraging notification is a small step towards restoring farmers' trust in the department and fostering the cooperation of the regulated farming community. (Christina Gruenhagen, Government Relations Counsel, Iowa Farm Bureau)

Response: The department agrees that the proposed language requiring prior notification could result in unnecessary enforcement action. However, the intent of this rule is not to create an enforcement situation. The rule currently states that operators are encouraged to notify the department. There are no indications that a dead animal compost facility operator has ever given the department prior notification before commencing operations and most sites are discovered during department manure management plan inspections or by neighbor complaints.

Being able to provide general assistance such as locating bulking agent is helpful but there are several other areas where the department's involvement can be beneficial. Water quality, public perception, nuisance concerns, bio-security issues and traffic around the compost area are some of the other factors department staff can offer assistance with. Requiring notification instead of encouraging it has the added potential to reduce environmental impacts from a compost operation that may have been poorly operated otherwise.

Instead of requiring notification, the rule can continue to encourage it. The department will work with organizations representing farmers and producers as a means of disseminating the rule revisions and to encourage farmers to notify the department prior to operating an on-site compost facility.

Change: Proposed rule 105.6(1) is struck and replaced with the following:

“Before commencing operation, the operator is encouraged to notify the department field office with jurisdiction over the facility. The department may provide general assistance, including locating bulking agent and siting considerations such as pad location, sizing and design, to facilities notifying the department and requesting assistance.”

Comment 5: The proposed rule states that the operator “shall” notify the department before commencing operation. The current rule encourages but does not require a producer to notify the department prior to composting mortalities. Producers should not be required to notify the department if a permit is not required. If a producer is aware of the requirement in the rules to notify the department, the producer will also most likely be aware of the requirements in the rules for composting mortalities. The notification requirement is unnecessary and opens producers up for a technical violation even though all substantive requirements are met. (Iowa Pork Producers Association)

Response: See department response to comment #4.

Change: See department response to comment #4.

Comment 6: The proposed rules in 105.6(3) require transportation vehicles to utilize the most direct route to the composting site. On first glance, this seems like a good idea, but further examination yields many unintended consequences. It should be noted that most farmers will take the most direct route without being told by the department to do so. With fuel costs skyrocketing, there is no reason to believe that a farmer would haul dead animals any farther than necessary. That being said, there are situations where a direct route might not be the best route. Avoiding towns, housing developments, or major highways are all good reasons to choose a route that is less than direct. The department should give the farmer leeway in choosing a route that will not disturb his or her neighbors. We suggest the department delete this requirement. (Christina Gruenhagen, Government Relations Counsel, Iowa Farm Bureau)

Response: The primary concern with transporting carcasses to another off site location is potential pathogen transfer from fresh mortality by transport equipment, workers, or scavenging animals back to the production area. Careful and consistent attention to haul routes can decrease biosecurity concerns and it is important that this be emphasized. Thus, the department does not agree with deleting this requirement.

Most direct haul route, as it is stated in rule 105.6(3), is intended to mean that vehicles hauling carcasses must go to their destination directly. The department will clarify our intentions for emphasizing the need for farmers to address biosecurity issues when transporting dead animals.

Change: Proposed rule 105.6(3) is struck and replaced with the following:
“Transportation vehicles shall be constructed to prevent the release of mortality contaminated materials under normal operating conditions. The most direct haul route that avoids biosecurity risks shall be utilized.”

Comment 7: We also have concern over section 105.6(4). To allow no more than five percent of the total annual animal units to be composted annually without a permit at the facility. This is too restrictive for the turkey industry.

We place day old poults in our barns that weigh around four ounces. The first few days of placing the poults in the brooder barn the industry standards for daily mortality of these birds is around five percent. The requirements to compost these birds is not comparable with other livestock. If this five percent is left in the rule all turkey farmers could fall under this requirement.

If an unforeseen catastrophic loss due to a reportable disease happens on a turkey farm section 105.6(2) directs producers to follow the requirements of the Iowa Department of Agriculture and Land Stewardship and the DNR. Please see section 5 of the attached “Iowa Poultry Emergency Disease Plan” which outlines the methods for disposal of birds due to a catastrophic disease. This action would undoubtedly put the producer above the five percent of their animal units.

A producer may have a significant death loss due to heat or other natural causes. If this happens they will exceed the five percent. This unfortunate event would randomly happen. Would this require a permit?

Is there a way to look at this based on what the farm can handle? How about based on the pounds to be composted? Instead of receiving a permit, how about requesting a call to the DNR field office?

Please note that turkey farms are unique when composting mortalities.

1. A turkey is smaller than other livestock, so compost easily.
2. We have an unlimited supply of bedding material on our farms that is ideal for composting mortalities.
3. Producers are daily interacting with their compost piles. (Gretta Irwin, Executive Director, Iowa Turkey Federation)

Response: The department agrees that to allow no more than five percent of the total annual animal units to be composted annually without a permit at the facility is too restrictive. The intent of this rule requirement is to ensure that the facility is designed to accommodate at least the average annual death loss. Death loss rates can be determined using actual site data or industry standards. Average death losses for different animals at varying stages of their lives ranges between 2 – 10 percent. Composting structures that are too small may force movement of material through the bins before the composting process is complete or not allow mortalities to be incorporated into the composting process within 24 hours of death.

Change: Proposed rule 105.6(4) is struck and replaced with the following:
“The compost facility shall be designed to accommodate at least the average annual death loss for all facilities using the compost site. Facility design shall also take into account space requirements for managing raw materials (e.g. additional bedding and bulking agents needed for mortality composting) and finished compost.”

Comment 8: 105.6(4) requires no more than 5 percent of the total annual animal units shall be composted annually without a permit. Rather than establish a strict percentage that applies to all types of operations, it would be better to simply state that a compost facility shall be designed and operated to compost expected death loss from the serviced sites in compliance with department rules. Further, the rule should allow for composting of an unexpected death loss (such as fire, etc.) upon notification and approval by the department. (Iowa Pork Producers Association)

Response: See department response to comment #7.

Change: See department response to comment #7.

Comment 9: Proposed rule 105.6(4) restricts composting capacity to only 5% of the annual animal unit capacity. This rule is unduly restrictive, and goes beyond the purpose which the department is attempting to regulate. The problem with the current rule is that a 5% cap on composting would not be adequate for many species of livestock. For example, farrowing swine have mortality rates that range between 10% and 12% on average. Breeding hens have similar mortality rates, and male turkeys have mortality rates of about 9%. Although not desirable, occasionally disease rates may also be higher in a barn because of an illness. The proposed rules would limit the effectiveness of composting, because many farmers would be unable to compost all of their mortalities.

If the department wants to be notified by livestock producers after a catastrophic event where massive mortalities occur, they should say so rather than placing an arbitrary limit of 5% mortality rate. We have no issues with the department wanting to be aware of events that cause the death of most of the animals in the operation and directing the most appropriate disposal method in those instances. The 5% animal unit capacity cap does not encourage farmers to notify the department when these events occur. We suggest the department replace all of the language in 105.6(4) with language that requires livestock farmers to notify the department after a catastrophic event, instead of placing an arbitrary cap on the number of animals that can be composted at one site. We suggest language as follows:

105.6(4) Animal mortalities from a catastrophic event, such as a fire or electrical outage, shall not be composted until the department field office is contacted and arrangements are approved for the appropriate treatment or disposal of the animals. The department field office shall be contacted as soon as possible after such a catastrophic event occurs to receive approval of the disposal option.
(Christina Gruenhagen, Government Relations Counsel, Iowa Farm Bureau)

Response: The facility size restriction to five percent of total annual animal unit capacity is addressed and clarified in the department's response to comment #7.

In addition, the suggested administrative code language submitted by the Iowa Farm Bureau will be incorporated into the dead farm animal composting requirements into 105.6(5) below.

Change: See department responses and changes for comments #7 and #10 .

Comment 10: Proposed rule 105.6(5) prohibits a composting facility from accepting mortalities that come from outside of a 20 mile radius of the composting facility, unless the facility gets a permit. There is no science to suggest that there is some danger from bringing animals to a composting facility that is more than 20 miles away. There is no environmental harm that is being prevented in the 20 mile radius requirement. We recommend that the department delete this provision of the proposed rules because it does not mitigate any environmental harm, and there is no science to suggest that transporting mortalities under the remaining requirements would in any way cause environmental harm.

(Christina Gruenhagen, Government Relations Counsel, Iowa Farm Bureau)

Response: The intent of not allowing compost facilities to accept carcasses from a site outside of a twenty mile radius was suggested as a method of limiting exposure and the potential for spread of disease from farm to farm. There was no scientific basis for limiting the area to twenty miles.

Change: Proposed rule 105.6(5) is struck which stated "no dead farm animal compost operation shall accept carcasses from a site outside of a twenty (20) mile radius from the compost facility" and replaced with the following in reference to the language proposed by the Iowa Farm Bureau in comment #9 above.

"Animal mortalities from a catastrophic event, such as a fire or electrical outage, shall not be composted until the department field office is contacted and arrangements are approved for the appropriate treatment or disposal of the animals. The facility shall contact the department field office with jurisdiction of the facility as soon as possible after such a catastrophic event occurs to receive approval of the disposal option."

Comment 11: Another concern our members have with the new rules is the bulking agent requirements that the department is attempting to impose. Proposed rule 105.6(6) requires that farmers use at least 2 feet of base and one foot of bedding in between compost layers. As a practical matter, the department should avoid specific depth requirements like these for 2 reasons. First, different species of farm animals require different compost amounts. For example, Iowa State University Extension articles suggest a 1 foot base for both poultry and swine, but a 6 to 9 inch layer of bulking agent in between layered carcasses is suggested for swine, whereas a 4 to 6 inches of cover is recommended for poultry. The department should not force farms dealing with small carcasses, like poultry or farrow pigs, to waste space on extra bulking agent that is

unnecessary for the size of the carcasses. Second, the science only supports requiring a 2 foot base with 1 foot cover layers where large animals like cattle are being composted. The department's requirements are excessive for most sizes of farm animals. To correct this deficiency, the department should simply delete the provision in 105.6(6) requiring a certain amount of bulking agent. (Christina Gruenhagen, Government Relations Counsel, Iowa Farm Bureau)

Response: During the past year, staff from both the field office and central office have visited more than 30 producers with centralized composting operations for multiple farm sites. Environmental problems encountered during site visits included excessive liquids leaching from compost piles, piles attracting flies, excessive odors, partially exposed carcasses and evidence of scavenging animals. All of these problems can be attributed to not having enough base or cover bulking agent material. Thus, the department does not agree with deleting this requirement. Instead, this rule requirement will be clarified and flexibility will be added to accommodate different sized animals.

Change: Proposed rule 105.6(6) is struck and replaced with the following:
“Dead farm animals shall be incorporated into the composting process within 24 hours of death. An adequate base layer (from 12–24 inches thick, depending on the size and number of dead farm animals) with 6-12 inches of bulking agent between carcasses and an additional 12 inches of cover material shall be maintained around carcasses at all times to control mortality leachate and odors, and to prevent access by scavenging domestic and wild animals.”

Comment 12: Our last objection is with the language used in proposed rule 105.6(7). The last sentence of the proposed rule states that full decomposition may not occur for 6 months to 1 year, depending on the weather. This sentence is unnecessary commentary and is erroneous. In most cases, composting of soft tissue can be accomplished in under 3 months, and most poultry can be completely decomposed in 30 days. Only in limited cases (very large carcasses in very cold weather) should composting take as long as the department suggests. For these reasons, we advise this phrase be deleted from the rule. (Christina Gruenhagen, Government Relations Counsel, Iowa Farm Bureau)

Response: The department agrees that this statement is only commentary. The intent of this rule is to ensure that carcasses are not removed from the compost pile prior to full decomposition.

Change: Strike the last sentence from rule 105.6(7) as follows:
“Dead farm animals shall not be removed from composting until all soft tissue is fully decomposed. ~~Full decomposition may not occur for six months to one year depending on weather conditions.~~”

ENVIRONMENTAL PROTECTION COMMISSION [567]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.304, 455D.7 and 455D.9, the Environmental Protection Commission hereby adopts the following amendments to Iowa Administrative Code 567 Chapter 105, “Organic Materials Composting Facilities”.

The proposed amendments pertain to animal mortality composting and include other composting rule updates. The proposed amendments are needed to address the increased use of composting by Iowa farmers as a means to manage dead livestock. These revisions will add flexibility for farmers wanting to compost routine livestock mortalities from multiple sites at a centralized site, as well as aid compliance with the rules. Under the proposed amendments, a farmer wishing to compost routine livestock mortalities from multiple sites would no longer be required to obtain a permit to do so. Additionally, further provisions are included in the rules to ensure proper livestock mortality composting methods are used, related rules are modified to conform to the revised rules regarding mortality composting, references to DNR form numbers are updated and corrected, and the definition and filing of a “current cost estimate” are updated.

A public hearing was held on March 15, 2005, from 10:00 A.M. to 12 noon in the Fifth Floor East Conference Room of the Wallace State Office Building. No oral comments were received, however twelve written comments were provided. A responsiveness summary is attached. Due to comments received, several changes were made to the proposed rules.

These amendments are intended to implement Iowa Code sections 455B.304, 455D.7 and 455D.9.

The following amendments are adopted.

ITEM 1. Amend paragraph 105.1(2)“b” as follows:

b. Permit by rule. Yard waste composting facilities are exempt from ~~having a permit permitting~~ if operated in conformance with 105.3(455B,455D) and 105.4(455B,455D). ~~Composting of dead farm animals generated on the same premises as the composting facility is~~ Facilities that compost dead farm animals are exempt from ~~having a permit permitting~~ if operated in conformance with 105.3(455B,455D) and 105.6(455B,455D). Small quantity solid waste compost operations as defined in 105.5(455B,455D) are exempt from permitting if operated in conformance with 105.3(455B,455D) and 105.5(455B,455D).

ITEM 2. Amend subrule 105.3(3) as follows:

105.3(3) Measures shall be taken to prevent water from running onto the facility from adjacent land and to prevent compost leachate and runoff from leaving the composting facility. Runoff from the composting facility must be properly managed.

ITEM 3. Amend subrule 105.5(1) as follows:

105.5(1) Acceptable materials and amounts. Yard waste, and food residuals, ~~and agricultural waste~~ may be received from off premises at a total rate of two tons or less per week for composting either singly, ~~or~~ in combination, or with agricultural waste. Any clean wood waste free of coating and preservatives may be used as a bulking agent. The two tons per week combined weight limit does not apply to bulking agent. However, the amount of bulking agent received must be appropriate for the amount of compostable materials received. Facilities composting over two tons of food residuals and yard waste, ~~food residuals and agricultural waste~~ per week in any combination from off premises

must obtain a permit (Form 50A (542-1542A)) and adhere to the solid waste composting requirements stipulated in 105.7(455B,455D) through 105.14(455B,455D). If only agricultural wastes are collected and composted, this rule does not apply. If only yard wastes are collected and composted, this rule does not apply.

ITEM 4. Amend rule 567—105.5(455B,455D) by adopting the following new subrule 105.5(3) and renumbering existing subrule 105.5(3) as 105.5(4):

105.5(3) Signage. The facility shall have a permanent sign posted at the entrance specifying:

- a. Name of operation.
- b. Operating hours.
- c. Materials which are accepted or the statement “All materials must have prior approval.”
- d. Telephone number of 24-hour emergency contact person.

ITEM 5. Rescind rule 567--105.6(455B,455D) and adopt the following new rule in lieu thereof:

567—105.6(455B,455D) Specific requirements for composting of dead farm animals.

Operators of dead farm animal composting facilities are encouraged to be trained, tested, and certified by a department-approved certification program upon approval of such a program by the department. A facility that composts dead farm animals is exempt from permitting if the following operating requirements are met and the facility is in compliance with 105.3(455B,455D). Businesses or individuals that are neither the owner nor operator of any of the sites where dead farm animals are generated and that want to

compost dead farm animals must obtain a permit in accordance with 567--
105.8(455B,455D).

105.6(1) Before commencing operation, the operator is encouraged to notify the department field office with jurisdiction over the facility. The department may provide general assistance, including locating bulking agent and siting considerations such as pad location, sizing and design, to facilities notifying the department and requesting assistance.

105.6(2) Farm animals known or suspected to have died from an infectious disease that can be spread by scavengers or insects or that died from a reportable disease shall be disposed of in accordance with the requirements of the Iowa department of agriculture and land stewardship and the department.

105.6(3) Transportation vehicles shall be constructed to prevent the release of mortality contaminated materials under normal operating conditions. The most direct haul route that avoids biosecurity risks shall be utilized.

105.6(4) The compost facility shall be designed to accommodate at least the average annual death loss for all facilities using the compost site. Facility design shall also take into account space requirements for managing raw materials (e.g. additional bedding and bulking agents needed for mortality composting) and finished compost.

105.6(5) Animal mortalities from a catastrophic event, such as a fire or electrical outage, shall not be composted until the department field office is contacted and arrangements are approved for the appropriate treatment or disposal of the animals. The facility shall contact the department field office with jurisdiction of the facility as soon as possible after such a catastrophic event occurs to receive approval of the disposal option.

105.6(6) Dead farm animals shall be incorporated into the composting process within 24 hours of death. An adequate base layer (from 12–24 inches thick, depending on the size and number of dead farm animals) with 6-12 inches of bulking agent between carcasses and an additional 12 inches of cover material shall be maintained around carcasses at all times to control mortality leachate and odors, and to prevent access by scavenging domestic and wild animals.

105.6(7) Dead farm animals shall not be removed from composting until all soft tissue is fully decomposed.

105.6(8) Compost (including bones that have not fully decomposed) shall be applied to cropland in a manner that minimizes the runoff into a water of the state. Application of the compost to lands other than cropland shall require prior approval by the department.

ITEM 6. Amend subrule 105.7(8) as follows:

105.7(8) Request for and approval of permit renewal. Requests for permit renewals shall be in writing and must be filed at least 90 days before the expiration of the current permit and submitted on a Form 50A to the department. The department may request that additional information be submitted for review in order to make a permit renewal decision. Comprehensive plan update requirements are satisfied through the information provided in the permit renewal application submittal and by compliance with the reporting requirements set forth in 105.12(455B,455D). If a solid waste composting facility is formally part of a planning area's integrated waste management system, the operator must participate in that area's plan update submittals. The department shall renew the permit if, after a review and inspection of the facility and its compliance

history, the department finds that the facility is in compliance with its current permit and these rules. If the facility is found not to be in compliance with its current permit and these rules, then the sanitary disposal project shall be brought into compliance, or placed on a compliance schedule approved by the department, before the permit is renewed pursuant to 105.7(5).

ITEM 7. Amend subrule 105.8(1), introductory paragraph, as follows:

105.8(1) A permit application for a new facility shall include a completed Form 50A (542-1542A) and a map or aerial photograph. This map or aerial photograph shall identify:

ITEM 8. Amend subrule 105.8(2) by adopting new paragraph “g” as follows:

g. Proof of the applicant’s ownership of the site and legal entitlement to use the site as a composting facility.

ITEM 9. Amend subrule 105.14(1), paragraph “b,” as follows:

b. “Current cost estimate” means the cost estimate for 105.14(2), prepared and submitted to the department ~~on an annual basis~~ at the time of application for a new composting facility permit and with each permit renewal thereafter by an Iowa-licensed professional engineer or other professional as approved by the department.

ITEM 10. Amend subrule 105.14(2), introductory paragraph, as follows:

105.14(2) Current cost estimate. The current cost estimate shall be based upon ~~of~~ the following factors:

Date

Jeffrey R. Vonk, Director